

REMARKS

Claims 1-15 are pending.

Claims 1 and 2 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Sellers (US5675810) in view of Endo et al. (US6493100) (*hereafter*: Endo). Claims 3-6 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Sellers (US5675810) in view of Endo (US6493100) as applied to claim 1, and in further view of Van Der Wulp (US6704063). The Applicant respectfully traverses these rejections for the following reason(s).

Claim 1 calls for, in part, *determining whether or not the peripheral device has a first power save mode*. The Examiner has applied Sellers in this regard, and referred to col. 2, lines 32-47 of Sellers, as well as the apparent transition of a disk drive and motor to a first power save mode.

A review of Sellers finds the Examiner holding to be in error. Sellers discloses a power control circuit 18 mounted on a motherboard 20 housed within the computer. The power control circuit 18 controls delivery of power from a power source 24 (e.g., a battery, or a power converter fed from a wall outlet) to components on the motherboard and to other power using devices (e.g., a monitor and disk drive motors--not shown in FIG. 1). As part of its functions, the power control circuit 18 performs the usual steps of reducing power to the main microprocessor 22, the monitor, and the disk drive motors when the computer enters a "sleep" mode, and returning power to normal when the sleep mode ends. In the invention, the power control circuit also reduces (in some cases to zero) the power delivered to at least some of the components and devices whenever the user is not actively using the keyboard. Circuit 18 then promptly switches to delivering full power to those

components when the user is actively using the keyboard (e.g., stroking keys). The components on the motherboard 20 which may receive reduced, or even zero, power during periods of inactivity may include peripheral controllers and system controllers in the form of ASICs (application specific integrated circuits) 24, 26, 28, discrete logic components 30, 32, 34, and a variety of passive discrete components 36, 38, 40 (resistors, capacitors, inductors).

There is clearly no teaching in sellers of a step of *determining whether or not* the disk drive and motor have *a first power save mode*. There is a teaching of **reducing** power to the disk drive motor, however this is not the same as nor equivalent to making a determination of whether or not the disk drive motor **has** a first power save mode. Additionally, determining that the disk drive motor has reduced power (not taught either) is not the same as nor equivalent to making a determination of whether or not the disk drive motor has a first power save mode.

The step (b) of claim 1 is based upon the *determining step* (a). That is, once the determination is made in step (a) then there is a step of *determining whether or not the computer is turned on*. That is *if it is determined that the peripheral device has the first power save mode* then it is determined *whether or not the computer is turned on*.

In Sellers, it is determined *whether or not the computer is turned on* (whether the computer is in a second power save mode (sleep mode)). **Then**, once it is determined the computer is in the sleep mode, the power control circuit 18 performs the step of reducing power to the disk drive motor. Sellers discloses that it is only the computer that has power save modes (off/sleep/full power/reduced power modes) and power control circuit 18 of the computer that controls the power consumption of the peripheral components.

Neither Endo nor Van Der Wulp were applied in this regard.

Accordingly, since the combined art fails to teach a step of *determining whether or not the peripheral device has a first power save mode*, the rejections of claims 1-6 are deemed to be in error and should be withdrawn.

Claims 7-13 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Sellers (US5675810) in view of Endo (US6493100) and in further view of Kikinis et al. (US6704063) (*hereafter: Kikinis*). Claims 14 and 15 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Sellers (US5675810) in view of Endo (US6493100) and in further view of Kikinis (US6704063) as applied to claim 7, and in further view of Van Der Wulp (US6704063). The Applicant respectfully traverses these rejections for the following reason(s).

Claim 7 calls for, in part, a *computer peripheral device comprising:*

a power unit having a primary part for converting alternating current (AC) power input from the outside into direct current (DC) power, and a secondary part for providing the DC power as the power for the peripheral components, in response to a power control signal.

The Examiner notes that neither Sellers nor Endo teach the foregoing feature of claim 7, and applies Kikinis (col. 6, lines 29-34) in this regard. In so doing, the Examiner states: it would have been obvious to one of ordinary skill in the art to combine the teachings of Sellers, Endo and Kikinis "to utilize power state of the computer as well as a predetermined time since the peripheral has performed its unique function as a trigger to enable the transition of the peripheral device to a specific power mode in order to conserve power."

The Examiner fails to identify where Kikinis teaches *a power control signal* and fails to

identify where it is taught that Kikinis' power unit has *a secondary part for providing the DC power as the power for the peripheral components in response to a power control signal*.

Looking to Kikinis' col. 6, lines 29-34, we find no mention of a *power control signal* and find no mention of a *secondary part for providing the DC power as the power for the peripheral components* and find no teaching that such a secondary part is responsive to the power control signal.

Claim 7 also requires *a control unit for outputting the power control signal*. Looking to the Examiner's basis of rejection, the Examiner relies on Sellers for teaching *a control unit for outputting the power control signal*. Accordingly, since the Examiner fails to identify such a control unit for outputting the power control signal in Kikinis, then Kikinis clearly fails to teach *a secondary part for providing the DC power as the power for the peripheral components in response to a power control signal*.

We find no reason to traverse the Examiner's apparent position that Kikikinis' power supply 555 has a primary part for converting alternating current (AC) power input from the outside into direct current (DC) power, and a secondary part for providing the DC power as the power for the peripheral components. There is no teaching, however that the secondary part provides the DC power **in response to a power control signal**.

Note that Kikinis discloses an electronically-controlled switch 553 that controls AC primary power from an electrical cord 559 to a receptacle for monitor 547 power supply cord 557. When electronically-controlled switch 553 opens, AC power to a DC power supply 555 is lost, thus causing total shutdown of monitor 547. Accordingly, if Kikinis' computer is off, then there is no sync signal supplied via VGA communication cable 127 to sync detect circuit 551, resulting in switch 553 being opened cutting off AC power to DC power supply 555.

Thus Kikinis teaches controlling whether or not AC power is supplied to DC power supply 555 based on the detection of a sync signal, not a power identification signal indicative of a power state of the computer nor a comparison result (based on comparing a counted result with a predetermined time period) input from a communication cable (127).

I must be remembered at this time that claim 7 is drawn towards a computer peripheral device connected to a computer by communication cable. It is the peripheral device which comprises a power unit, a counter, a comparison unit and a control unit for outputting the power control signal.

According to the basis of rejection, Sellers is relied on for teaching a control unit, however, the control unit is part of a computer, not a peripheral device. Additionally, Endo is relied on for teaching a counter, a comparison unit and a control unit (the Examiner has relied only on claim 19 of Endo)¹. Whereas Kikinis is relied on for teaching a power control unit, which is part of a monitor (peripheral device).

There is no suggestion in the art that Sellers' control unit be comprised by a peripheral device, and the Examiner has not put forth a *prima facie*² basis of obviousness since there is no

¹ Note, *Ex parte Levy*, 17 USPQ2d 1461, 1462 (1990) states:

"it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."

² *In re Rijckaert*, 28 USPQ2d 1955 (CAFC 1993) states:

"A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 782, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rhinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976). If the examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed.

explanation how the combination of Sellers, Endo and Kikinis would have suggested to one of ordinary skill in the art that the control unit be comprised by a peripheral device.

Now, looking to col. 16, lines 6-11 of Endo, we find a counting step being taught, but find no comparing step. Endo discloses beginning to count a predetermined sleep time when completion of the printing operation, the printer entering a sleep mode when the predetermined sleep time is elapsed after the completion of the printing operation. Accordingly, when a certain count **is reached** the printer enters a sleep mode, there is **no comparison** of the count to a predetermined time. It is well known in the art that when a timer-counter counts, it outputs a logical control signal when certain count values are reached. There is no comparison of the count value required to output the logical control signal.

The Examiner should identify where Endo specifically teaches comparison, or withdraw the rejection.

Accordingly, the rejection of claims 7-13 is deemed to be in error and should be withdrawn.

Van Der Wulp was not applied as a teaching that would have suggested that the peripheral device include Sellers' control unit, nor as a teaching of the comparison unit required by claim 7, nor that the power unit have a secondary part for providing the DC power as the power for the peripheral components in response to a power control signal. These features are lacking in the combined

Cir. 1988).

teachings of Sellers, Endo and Kikinis as discussed with respect to the traversal of the rejection of claims 7-13.


Accordingly, the rejection of claims 14-15 is deemed to be in error for the same reasons as discussed with respect to claim 7, and should be withdrawn.

The examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Response, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

No fee is incurred by this Response.

Respectfully submitted,



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